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**From:** Beer, Kevin [kbeer@pa.gov]  
**Sent:** 3/27/2017 12:06:01 PM  
**To:** Bunker, Kelly [Bunker.Kelly@epa.gov]  
**Subject:** RE: Follow-up on our March 22, 2017 phone call

Kelly,

Thanks for the follow up information.

**Kevin Beer** | Environmental Group Manager  
Department of Environmental Protection  
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**From:** Bunker, Kelly [mailto:Bunker.Kelly@epa.gov]  
**Sent:** Friday, March 24, 2017 9:14 AM  
**To:** Beer, Kevin <kbeer@pa.gov>  
**Cc:** Pratt, Stacie <Pratt.Stacie@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>  
**Subject:** Follow-up on our March 22, 2017 phone call

Hi Kevin - I am following up on our March 22, 2017 phone conversation. As stated in EPA's February 3, 2017 letter to Walt Harner, PADEP, the federal Toxic Substances and Control Act and EPA implementing regulations at 40 C.F.R. Part 761 impose limitations on and requirements for the use and disposal of PCB-containing materials. EPA considers activities which involve PCB-containing materials at or above 2 ppm (as determined in accordance with 40 C.F.R. 761.1(b)(2)) but which are not authorized, exempted or excluded by the PCB regulations at 40 C.F.R. Part 761 to be prohibited under those regulations.

You called because you said that you had been tasked with making changes to the PADEP Clean Fill Policy and that one of those changes would include inserting some language regarding PCBs which would be provided by EPA Region 3. You stated that you anticipated getting calls inquiring about where the PCB level of 2 ppm is found in the PCB regulation. Section 761.20(c) of the PCB regulations states in part that "no person may process or distribute in commerce any PCB, or PCB Item **regardless of concentration** for use within the United States without an exemption..." The quantifiable level/level of detection for PCBs is defined as 2 ppm as found in Section 761.3, definitions.

We also briefly discussed risk calculations, if you wish to discuss that further please give me a call.  
Thank you.

Kelly L. Bunker  
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